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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/672,364

09/26/2003

Rami Caspi

2003P08221US

3012

7590

10/05/2006

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EXAMINER

FERGUSON, KEITH

ART UNIT

PAPER NUMBER

2617

DATE MAILED: 10/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/672,364	Applicant(s) CASPI ET AL.	
	Examiner Keith T. Ferguson	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

Claim Rejections - 35 USC § 112

2. Claims 1-8,12 and 15-31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The language "client is determined to be outside a predetermined range", "particular ones determined they are outside a predetermined range" and "remote device is determined to be outside a predetermined range" are indefinite since it is unclear what the range is referring to, i.e. arrange of physical values or physical distance or something else, and how the "client" can be outside in a physical sense of a value or concept.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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4. Claims 1-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Elliot.

The claimed invention reads on Elliot as follows:

Regarding claims 1-3,7,8, Elliot discloses a telecommunications system (fig. 1), comprising: a plurality of network clients (fig. 1 number 1) including a positioning controller (GPS device) (col. 4 line 51 through col.5 line 9) and a communications controller (device controller) (col. 4 line 51 through col.5 line 9); and a positioning server (central control system) including a coordinating controller (fig. 3 number 36) for maintaining a database of network clients to be tracked and provide updates of position-related information to a presence server (col. 5 lines 19-59); wherein an associated network client is configured to transmit position information received via said positioning controller to said positioning server via said communications controller when said associated network client is determined to be outside a predetermined threshold range (col. 7 line 27 through col. 8 line 12).

Regarding claims 4-6, Elliot discloses web services (e-mail) (instant message) (SIP) message generator for communicating said updates to said presence server (col. 3 lines 24-37, col. 7 lines 41-48 and col. 8 lines 43-54).

Regarding claims 9,10, Elliot discloses a telecommunications device (fig. 1 number 12), comprising: a positioning controller (GPS device) (col. 4 line 51 through col.5 line 9) adapted to determine positioning information for said telecommunications device (col. 4 line 51 through col.5 line 9); and a cellular telephone controller (controller for cellular transmission (col. 4 line 51 through col.5 line 9) adapted to receive said positioning information from said positioning controller and cause said positioning information to be transmitted to an associated server when said telecommunications device is determined to have changed status (col. 4 line 51 through col.5 line 9).

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Regarding claims 11-14, Elliot discloses a rules database of location and presence related information (col. 3 lines 24-27 and col. 5 lines 45-59).

Regarding claims 15-31, Elliot discloses a telecommunications server/method (fig. 1 number 20) comprising: a presence control unit (fig. 3 number 36) adapted to receive and maintain presence information for a plurality of users devices (col. 6 line 30 through col. 7 line 40); and a location control unit (fig. 3 number 26) adapted to receive and maintain location information for said plurality of users (col. 6 line 30 through col. 7 line 40), said location information correlated with said presence information (col. 6 line 30 through col. 7 line 40); wherein said location control unit is adapted to receive updates to said location information for particular ones of said plurality of users when said particular ones determine they are outside a predetermined range (col. 3 lines 15-37 and col. 6 line 30 through col. 8 line 13).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hoffman et al. (U.S. Pub: No. 2004/0021573) discloses a personal security and tracking system. Layson, Jr. (U.S. Patent 5,731,757) discloses a portable tracking for continuous position determination of criminal offenders and victims. Copley (U.S. Pub: No. 2004/00446667) discloses a personal tracking device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Keith T. Ferguson whose telephone number is (571) 272-7865. The examiner can normally be reached on 6:30am-4:30 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (571) 272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Keith Ferguson
Art Unit 2617
September 28, 2006

KEITH FERGUSON
PRIMARY EXAMINER

